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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:23-cv-06530-JLS-SK

Date: August 31, 2023

Title: California's Favorite C-Store, Co. v. Automatic Data Processing, Inc.

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Present: Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE

Gabby Garcia  
Deputy Clerk

N/A  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS  
CASE SHOULD NOT BE DISMISSED FOR LACK OF  
SUBJECT MATTER JURISDICTION**

Defendant ADP, Inc. removed this action on August 10, 2023, invoking the court's diversity jurisdiction under 18 U.S.C. § 1332. (See Notice of Removal ("NOR"), Doc 1.)

"Federal courts are courts of limited jurisdiction." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). As the party invoking federal jurisdiction, Defendant has the burden of establishing that this case lies within the Court's limited jurisdiction. *See id.*

A federal court has diversity jurisdiction under 28 U.S.C. § 1332 if the parties to the action are citizens of different states and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a). In determining the citizenship of a corporation, "a corporation shall be deemed to be a citizen of every State . . . by which it has been incorporated and of the State . . . where it has its principal place of business[.]" *Id.* § 1332(c)(1). Here, Defendant alleges that Plaintiff, California's Favorite C-Store Co., is a "corporation organized and existing under the laws of the State of California." (NOR ¶ 5.) While this sufficiently establishes Plaintiff's state of incorporation, Defendant's Notice of Removal does not offer any information about Plaintiff's principal place of business. As a result, Defendant's assertion of Plaintiff's citizenship is insufficient to establish diversity jurisdiction.

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Accordingly, Defendant is ORDERED to show cause, in writing (no longer than five (5) pages), **within five (5) days of the date of this Order**, why the Court should not dismiss this action for lack of subject matter jurisdiction. Failure to timely respond will result in the immediate dismissal of the case.

Initials of Preparer: gga